

Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.



Bi-1233
Sept. '32

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C.

LIBRARY
RECEIVED
★ OCT 10 1932 ★
U. S. DEPARTMENT OF AGRICULTURE

REGULATIONS FOR THE ADMINISTRATION OF THE
BEAR RIVER MIGRATORY BIRD REFUGE
IN THE STATE OF UTAH

Pursuant to the authority contained in the Act to establish the Bear River Migratory Bird Refuge, approved April 23, 1928 (45 Stat. 448 - U. S. Code, Supplement, Title 16, Sec. 690), the following regulations are hereby prescribed, effective October 1, 1932, for the administration of the Bear River Migratory Bird Refuge, hereinafter referred to as the "Refuge", the boundaries of which are established by Proclamation of September 26, 1932.

Regulation 1.--Entry upon the Refuge

The going or being upon the Refuge, unless otherwise permitted by these regulations, shall be only under appropriate permit issued for the purpose.

Regulation 2.--Permits Not Required

Permits will not be required in the following cases:

For admission by the usual line of travel to and from the headquarters maintained at the Refuge.

For access to any portion of the Refuge by a person accompanied by the Superintendent or his authorized representative.

For access to any portion of the Refuge by the State Game Commissioner of Utah or his deputy wardens or by guests of the Commissioner when accompanied by himself or deputy.

Regulation 3.--Migratory Game Birds

Hunting, killing, or taking migratory game birds will be permitted in accordance with State and Federal law upon approximately forty per cent (40%) of the flooded area of the Refuge as shall be designated from time to time by special order of the Secretary of Agriculture, upon the recommendation of the Chief of the Bureau of Biological Survey after the Bureau has conferred with the State Game Commissioner of Utah or his authorized representative: Provided, that there shall be no hunting permitted from the dikes or within 100 yards of any dike. The hunting or taking of migratory game birds on such designated areas in accordance with State and Federal laws may be conducted without formal permit but each hunter before entering upon any such area shall register his name and address with the Superintendent or with one of his deputies and

shall produce for inspection his hunting license. Before leaving the refuge area each hunter shall report to any such officer the number of each species of game birds taken by him each day during the time spent on such designated areas and whenever requested by any such officer shall exhibit all such birds in his possession for inspection. After the establishment of such shooting areas the superintendent of the refuge shall designate regular routes of travel over which the public may pass to and from such areas. Such routes of travel shall be located with due regard to the convenience of the public and in a manner that will not subject the birds or other wild life on areas not open to public shooting to undue disturbance. Persons entering the refuge for the purpose of hunting shall use such established routes of travel and may not otherwise enter upon any closed area of the refuge. Provided, that before such shooting area or areas shall be designated by the Secretary, the superintendent of the refuge in conjunction with the State Fish and Game Commissioner shall make a complete survey of the refuge and after having selected the proposed shooting areas shall submit their recommendations for such areas to the Governor of the State of Utah for his approval. After such recommendations have been so approved and the areas designated by the Secretary they shall remain open to hunting during the open season of each year: Provided, that if after further consideration by the superintendent of the refuge and the State Game Commissioner it should be decided to be for the best interests of the refuge to change the shooting area or areas, or portions thereof, a recommendation to that effect shall be made to the Chief of the Bureau of Biological Survey for his consideration and recommendation to the said Secretary.

The areas of the refuge which shall be opened to public shooting shall be designated with a view to providing for reasonable shooting privileges as they existed at the time the areas were established. In the event that in the process of developing the refuge and in the distribution of water thereon it follows that such areas become useless as shooting areas and in the opinion of the superintendent of the refuge and the State Game Commissioner it is in the interest of the birds, as well as the shooting, to make changes from time to time in such shooting areas, changes in such areas may be made after recommendation by these officials.

Regulation 4.--Game and Fur-bearing Animals

Hunting, trapping, killing, or taking game animals, non-migratory game birds, and/or fur-bearing animals will be permitted in accordance with State laws and under such conditions as may be prescribed by the Secretary of Agriculture upon such area or areas of the Refuge as he shall from time to time by special order designate.

Regulation 5.--Fish

Fishing on the Refuge, when conducted in compliance with the

laws of the State of Utah and in such manner as not to disturb or interfere with other wild life on the Refuge, will be permitted on such waters and at such times as the Superintendent may determine to be compatible with the protection and preservation of the wild life on the Refuge.

Regulation 6.--Firearms

The having or carrying of firearms on the Refuge without permit from the Superintendent, except on highways or thoroughfares, and on such area or areas as may have been opened to the hunting of migratory game birds or resident game birds or animals in accordance with Regulations 3 and 4 hereof and designated routes of travel to and from such areas, or when appropriate to the object for which any special permit may have been issued, will not be permitted.

Regulation 7.--Domestic Animals

The ranging of cattle or other domestic stock or the running at large of dogs or cats upon the Refuge, or allowing the entry of any such animals thereon for any purpose, except as specifically authorized in the next succeeding regulation, will not be permitted.

Regulation 8.--Economic Utilization of Resources

Permits to graze livestock, harvest hay or stock feed, remove timber or firewood, occupy or cultivate areas, use any material of commercial value, or make other use of the Refuge not inconsistent with its objects may be issued by the Superintendent upon such terms and at such rates of charge, if any, as may be ascertained and determined by him to be commensurate with the value of the privilege granted by such permit.

Regulation 9.--Removal of Surplus and Injurious Objects

The removal of surplus or injurious animal life or other products on the Refuge and disposition thereof in accordance with law and regulations, shall be made by or under direction of the Chief of the Bureau of Biological Survey.

Regulation 10.--Specimens for Scientific, Exhibition,
or Propagating Purposes

Specimens of plant and animal life or other natural objects on the Refuge, for scientific, exhibition, or propagating purposes, may be taken under special permit issued by the Secretary of Agriculture

and countersigned by the Chief of the Bureau of Biological Survey, but no such permit shall be deemed to authorize the taking, possession, transportation, or sale of any wild life, or the nests or eggs of birds, contrary to State law.

Regulation 11.--Scientific Studies.

Entry upon the Refuge for scientific study, the taking of photographs, or for other proper and lawful purposes, when not inconsistent with the object for which the refuge was established, may be allowed under permit issued by the Superintendent upon such conditions as he shall prescribe.

Regulation 12.--Application for Permits

Applications for permits should be made to the Superintendent of the Refuge.

Regulation 13.--Exhibition and Revocation of Permits

Permits shall be exhibited for inspection at any reasonable time upon request of any officer or employee of the Department of Agriculture engaged in the administration of the Refuge.

Any and every permit affecting the Refuge is subject at all times to discretionary revocation and termination by the Secretary of Agriculture.

Any permit may be revoked by the issuing officer for non-compliance with the terms thereof or of these regulations, for misuse, or for violation of the law or any regulation applicable to the Refuge or any State or Federal law protecting wild life.

The Superintendent of the Refuge shall make a prompt report to the Chief of the Bureau of Biological Survey setting forth the facts and circumstances connected with the revocation of any permit by him hereunder.

[Seal]

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the city of Washington, this 28th day of September, 1932.

R. W. Marvin
Acting Secretary of Agriculture.

EXTRACTS FROM THE ACT OF APRIL 23, 1928, TO ESTABLISH THE
BEAR RIVER MIGRATORY BIRD REFUGE
(45 Stat. 448; U. S. Code, Supp., Title 16, sec. 690).

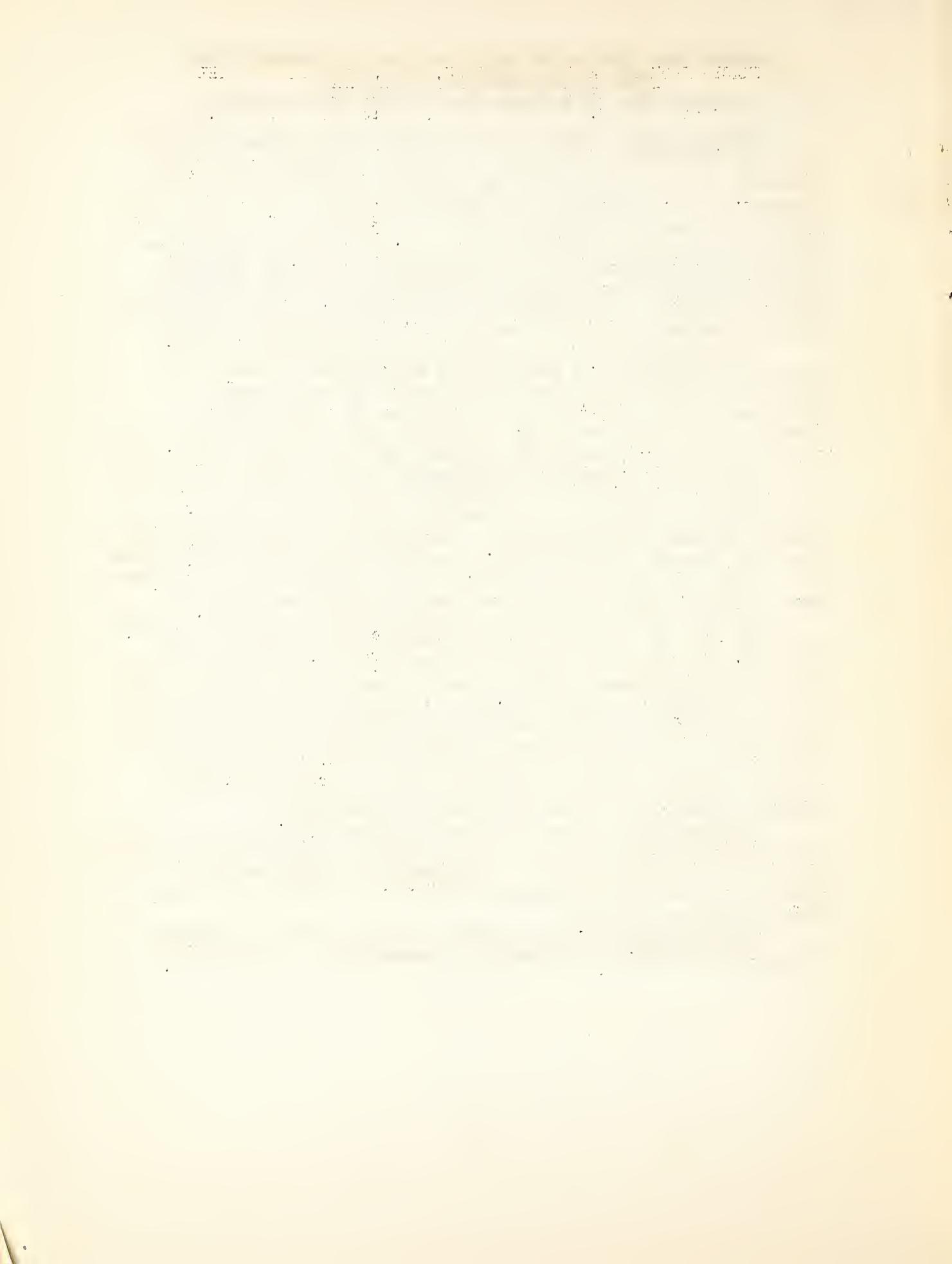
Section 690d.-- That no person shall take, injure, or disturb any bird, or nest or egg thereof, or injure or destroy any notice, signboard, fence, dike, ditch, dam, spillway, improvement, or other property of the United States on any area acquired or received under this Act, or remove therefrom or cut, burn, injure, or destroy any grass or other natural growth thereon, or enter, use, or occupy the refuge for any purpose, except in accordance with regulations prescribed by the Secretary of Agriculture: Provided, That at no time shall less than 60 per centum of the total acreage of the said refuge be maintained as an inviolate sanctuary for such migratory birds.

Section 690e (a).-- Any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this Act (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this Act or of any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

(b) All birds or animals, or parts thereof, captured, injured, or killed, and all grass and other natural growths, and nests and eggs of birds removed contrary to the provisions of this Act or any regulation made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him, and upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, or removed contrary to the provisions of this Act or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction.

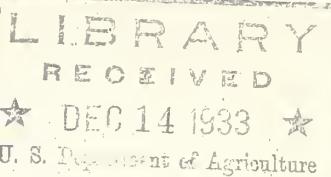
Section 690g.-- That any person who shall violate or fail to comply with any provision of, or any regulation made pursuant to, this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500 or be imprisoned not more than six months, or both.

Section 690h.-- That as used in this Act the term "person" includes an individual, partnership, association, or corporation.



Bi-1233
Nov., 1933.

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C.



REGULATIONS FOR THE ADMINISTRATION OF THE
BEAR RIVER MIGRATORY BIRD REFUGE
IN THE STATE OF UTAH

Pursuant to the authority contained in the Act to establish the Bear River Migratory Bird Refuge, approved April 23, 1928 (45 Stat. 448 - U. S. Code, Supplement, Title 16, Sec. 690), the following regulations are hereby prescribed, effective October 1, 1932, for the administration of the Bear River Migratory Bird Refuge, hereinafter referred to as the "Refuge", the boundaries of which are established by Proclamation of September 26, 1932.

Regulation 1.--Entry upon the Refuge

The going or being upon the Refuge, unless otherwise permitted by these regulations, shall be only under appropriate permit issued for the purpose.

Regulation 2.--Permits Not Required

Permits will not be required in the following cases:

For admission by the usual line of travel to and from the headquarters maintained at the Refuge.

For access to any portion of the Refuge by a person accompanied by the Superintendent or his authorized representative.

For access to any portion of the Refuge by the State Game Commissioner of Utah or his deputy wardens or by guests of the Commissioner when accompanied by himself or deputy.

Regulation 3.--Migratory Game Birds

Hunting, killing, or taking migratory game birds will be permitted in accordance with State and Federal law upon approximately forty percent (40%) of the flooded area of the Refuge as shall be designated from time to time by special order of the Secretary of Agriculture, upon the recommendation of the Chief of the Bureau of Biological Survey after the Bureau has conferred with the State Game Commissioner of Utah or his authorized representative:

Provided, that there shall be no hunting permitted from the dikes or within 100 yards of any dike. The hunting or taking of migratory game birds on such designated areas in accordance with State and Federal laws may be conducted without formal permit but each hunter before entering upon any such area may be required by the Superintendent to register his name and address with the Superintendent or with one of his deputies and shall produce for inspection his hunting license. Before leaving the refuge each hunter may be required

by the Superintendent to report to any such officer the number of each species of game birds taken by him each day during the time spent on such designated areas and whenever requested by any such officer shall exhibit all such birds in his possession for inspection. After the establishment of such shooting areas the Superintendent of the refuge shall designate regular routes of travel over which the public may pass to and from such areas, and he may also, in his discretion, designate routes of travel to public shooting areas outside the refuge. Such routes of travel shall be located with due regard to the convenience of the public and in a manner that will not subject the birds or other wild life on areas not open to public shooting to undue disturbance. Persons entering or crossing the refuge for the purpose of hunting shall use such established routes of travel and may not otherwise enter upon any closed area of the Refuge: Provided, That before such shooting area or areas shall be designated by the Secretary, the Superintendent of the Refuge in conjunction with the State Fish and Game Commissioner shall make a complete survey of the Refuge and after having selected the proposed shooting area shall submit their recommendations for such areas to the Governor of the State of Utah for his approval. After such recommendations have been so approved and the areas designated by the Secretary they shall remain open to hunting during the open season of each year: Provided, that if after further consideration by the Superintendent of the Refuge and the State Game Commissioner it should be decided to be for the best interests of the Refuge to change the shooting area or areas, or portions thereof, a recommendation to that effect shall be made to the Chief of the Bureau of Biological Survey for his consideration and recommendation to the said Secretary.

The areas of the Refuge which shall be opened to public shooting shall be designated with a view to providing for reasonable shooting privileges as they existed at the time the areas were established. In the event that in the process of developing the refuge and in the distribution of water thereon it follows that such areas become useless as shooting areas and in the opinion of the Superintendent of the Refuge and the State Game Commissioner it is in the interest of the birds, as well as the shooting, to make changes from time to time in such shooting areas, changes in such areas may be made after recommendation by these officials. [As amended Oct. 5, 1933]

Regulation 4.--Game and Fur-bearing Animals

Hunting, trapping, killing, or taking game animals, non-migratory game birds, and/or fur-bearing animals will be permitted in accordance with State laws and under such conditions as may be prescribed by the Secretary of Agriculture upon such area or areas of the Refuge as he shall from time to time by special order designate.

Regulation 5.--Fish

Fishing on the Refuge, when conducted in compliance with the

laws of the State of Utah and in such manner as not to disturb or interfere with other wild life on the Refuge, will be permitted on such waters and at such times as the Superintendent may determine to be compatible with the protection and preservation of the wild life on the Refuge.

Regulation 6.--Firearms

The having or carrying of firearms on the Refuge without permit from the Superintendent, except on highways or thoroughfares, and on such area or areas as may have been opened to the hunting of migratory game birds or resident game birds or animals in accordance with Regulations 3 and 4 hereof and designated routes of travel to and from such areas, or when appropriate to the object for which any special permit may have been issued, will not be permitted.

Regulation 7.--Domestic Animals

The ranging of cattle or other domestic stock or the running at large of dogs or cats upon the Refuge, or allowing the entry of any such animals thereon for any purpose, except as specifically authorized in the next succeeding regulation, will not be permitted.

Regulation 8.--Economic Utilization of Resources

Permits to graze livestock, harvest hay or stock feed, remove timber or firewood, occupy or cultivate areas, use any material of commercial value, or make other use of the Refuge not inconsistent with its objects may be issued by the Superintendent upon such terms and at such rates of charge, if any, as may be ascertained and determined by him to be commensurate with the value of the privilege granted by such permit.

Regulation 9.--Removal of Surplus and Injurious Objects

The removal of surplus or injurious animal life or other products on the Refuge and disposition thereof in accordance with law and regulations, shall be made by or under direction of the Chief of the Bureau of Biological Survey.

Regulation 10.--Specimens for Scientific, Exhibition,
or Propagating Purposes

Specimens of plant and animal life or other natural objects on the Refuge, for scientific, exhibition, or propagating purposes, may be taken under special permit issued by the Secretary of Agriculture

and countersigned by the Chief of the Bureau of Biological Survey, but no such permit shall be deemed to authorize the taking, possession, transportation, or sale of any wild life, or the nests or eggs of birds, contrary to State law.

Regulation 11.--Scientific Studies

Entry upon the Refuge for scientific study, the taking of photographs, or for other proper and lawful purposes, when not inconsistent with the object for which the refuge was established, may be allowed under permit issued by the Superintendent upon such conditions as he shall prescribe.

Regulation 12.--Application for Permits

Applications for permits should be made to the Superintendent of the Refuge.

Regulation 13.--Exhibition and Revocation of Permits

Permits shall be exhibited for inspection at any reasonable time upon request of any officer or employee of the Department of Agriculture engaged in the administration of the Refuge.

Any and every permit affecting the Refuge is subject at all times to discretionary revocation and termination by the Secretary of Agriculture.

Any permit may be revoked by the issuing officer for non-compliance with the terms thereof or of these regulations, for misuse, or for violation of the law or any regulation applicable to the Refuge or any State or Federal law protecting wild life.

The Superintendent of the Refuge shall make a prompt report to the Chief of the Bureau of Biological Survey setting forth the facts and circumstances connected with the revocation of any permit by him hereunder.

[Seal]

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the city of Washington, this 28th day of September, 1932.

P. W. Anderson
Acting Secretary of Agriculture.

EXTRACTS FROM THE ACT OF APRIL 23, 1928, TO ESTABLISH THE
BEAR RIVER MIGRATORY BIRD REFUGE
(45 Stat. 448; U. S. Code, Supp., Title 16, sec. 690).

Section 690d.-- That no person shall take, injure, or disturb any bird, or nest or egg thereof, or injure or destroy any notice, signboard, fence, dike, ditch, dam, spillway, improvement, or other property of the United States on any area acquired or received under this Act, or remove therefrom or cut, burn, injure, or destroy any grass or other natural growth thereon, or enter, use, or occupy the refuge for any purpose, except in accordance with regulations prescribed by the Secretary of Agriculture: Provided, That at no time shall less than 60 per centum of the total acreage of the said refuge be maintained as an inviolate sanctuary for such migratory birds.

Section 690e (a).-- Any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this Act (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this Act or of any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

(b) All birds or animals, or parts thereof, captured, injured, or killed, and all grass and other natural growths, and nests and eggs of birds removed contrary to the provisions of this Act or any regulation made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him, and upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, or removed contrary to the provisions of this Act or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction.

Section 690g.-- That any person who shall violate or fail to comply with any provision of, or any regulation made pursuant to, this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500 or be imprisoned not more than six months, or both.

Section 690h.-- That as used in this Act the term "person" includes an individual, partnership, association, or corporation.

